



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 18, 2003

Lee Peterson
Watermaster
State Water District 37 and 37 M
Box T
Shoshone, ID 83352

RECEIVED
MAR 19 2003
Department of Water Resources

Dear Mr. Peterson:

The following letter is to provide clarification concerning delivery of "saved water" from the Rockwell By-Pass. This should also clear up any confusion with regards to Ken Dunn's November 16, 1979 letter to Reid Newby.

Conditions that must be met in order for saved water from the Rockwell Bypass to be available for beneficial use:

- 1) Water must be diverted through the Rockwell By-Pass in association with delivery of valid priority water rights.
- 2) Rockwell By-Pass owners must **maintain** the by-pass for the entire length of the by-pass **capable** of carrying 17.36 cfs of water during the irrigation season.

The Idaho Department of Water Resources interprets the above conditions being met to mean that:

- 1) When water is diverted through the Rockwell By-Pass for the purpose of delivering valid priority water rights, 4.65 cfs shall be made available to the owners and right holders of Rockwell By-Pass water.
- 2) The Rockwell By-Pass must be **capable** of carrying 17.36 cfs of water. This does **not** mean that the Rockwell By-Pass saved water rights, totaling 4.65 cfs, is not deliverable once the flow at the Rockwell By-Pass measuring device drops below 17.36 cfs.
- 3) Rockwell saved water can only be delivered when valid priority rights from the Broadford Slough are called for and delivered.

In summary:

The saved water shall be made available to the Rockwell By-Pass saved water right holders any time the Rockwell By-Pass is being used to deliver water to Broadford Slough right holders. The Rockwell saved water rights shall be curtailed when calls for senior water rights from the Broadford Slough cannot be delivered.

The department would also like to request that measurements are taken at the Broadford Slough measuring device and the Rockwell By-Pass measuring device. Please include these measurements in your annual report. This will help us to answer future questions regarding this issue if they arise.

Please contact this office during the irrigation season when you believe there is a potential that senior priority rights from the Broadford Slough cannot be delivered. If further assistance is necessary feel free to contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "John Freitag". The signature is fluid and cursive, with the first name "John" and last name "Freitag" clearly distinguishable.

John Freitag
Water Resource Agent Sr.

Cc: John Stevenson, Chuck Brockway Jr.,
Allen Merritt and Tim Luke